

118TH CONGRESS
1ST SESSION

H. R. 5766

To increase the rate of duty applicable to certain ferrosilicon produced in the Russian Federation or the Republic of Belarus and to require a domestic production assessment before increasing rates of duty applicable to products of the Russian Federation and the Republic of Belarus under the Suspending Normal Trade Relations with Russia and Belarus Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 2023

Mrs. MILLER of West Virginia (for herself and Ms. SEWELL) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To increase the rate of duty applicable to certain ferrosilicon produced in the Russian Federation or the Republic of Belarus and to require a domestic production assessment before increasing rates of duty applicable to products of the Russian Federation and the Republic of Belarus under the Suspending Normal Trade Relations with Russia and Belarus Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Increasing American
3 Ferrosilicon Production Act”.

4 **SEC. 2. INCREASE IN RATE OF DUTY FOR CERTAIN**
5 **FERROSILICON IMPORTED FROM THE RUS-**
6 **SIAN FEDERATION AND THE REPUBLIC OF**
7 **BELARUS.**

8 (a) IN GENERAL.—Pursuant to the authority pro-
9 vided by section 3(b) of the Suspending Normal Trade Re-
10 lations with Russia and Belarus Act (Public Law 117–
11 110; 19 U.S.C. 2434 note), the President shall proclaim
12 an increase in the rate of duty applicable to ferrosilicon
13 described in subsection (b) to 35 percent ad valorem.

14 (b) FERROSILICON DESCRIBED.—Ferrosilicon de-
15 scribed in this subsection is ferrosilicon—

16 (1) classified under subheading 7202.21.50 of
17 the Harmonized Tariff Schedule of the United
18 States; and

19 (2) produced in the Russian Federation or the
20 Republic of Belarus.

21 **SEC. 3. MODIFICATION OF AUTHORITY TO PROCLAIM IN-**
22 **CREASED RATES OF DUTY FOR PRODUCTS OF**
23 **THE RUSSIAN FEDERATION AND THE REPUB-**
24 **LIC OF BELARUS.**

25 (a) REQUIREMENT FOR DOMESTIC PRODUCTION AS-
26 SESSMENT.—Section 3(b) of the Suspending Normal

1 Trade Relations with Russia and Belarus Act (Public Law
2 117–110; 19 U.S.C. 2434 note) is amended—

3 (1) by redesignating paragraphs (2) and (3) as
4 paragraphs (3) and (4), respectively; and

5 (2) by inserting after paragraph (1) the fol-
6 lowing:

7 “(2) DOMESTIC PRODUCTION ASSESSMENT.—

8 “(A) COMMENT PERIOD.—Not later than
9 30 days after the date of the enactment of the
10 Increasing American Ferrosilicon Production
11 Act, the United States Trade Representative
12 shall publish in the Federal Register a notice
13 providing for a comment period, which shall re-
14 main open until the date specified in paragraph
15 (4), for the submission of comments regard-
16 ing—

17 “(i) which products of the Russian
18 Federation or the Republic of Belarus are
19 also produced in the United States; and

20 “(ii) for each such product—

21 “(I) the ability of United States
22 producers to increase production to
23 meet demand in the United States for
24 the product, accounting for any pro-
25 jected decreases in imports of the

1 product from the Russian Federation
2 or the Republic of Belarus that would
3 result from increased rates of duty
4 proclaimed under paragraph (1) with
5 respect to such imports; and

6 “(II) data supporting informa-
7 tion submitted under subclause (I).

8 “(B) NOTIFICATION TO CONGRESS.—If,
9 based on an assessment of comments submitted
10 under subparagraph (A), the Trade Representa-
11 tive determines that United States producers
12 have the ability to increase production to meet
13 United States demand for a product described
14 in clause (i) of that subparagraph, the Trade
15 Representative shall—

16 “(i) notify Congress;

17 “(ii) indicate whether the President
18 will proclaim an increase in the rate of
19 duty applicable to imports of the product
20 from the Russian Federation or the Re-
21 public of Belarus under paragraph (1); and

22 “(iii) if the President will not pro-
23 claim such an increase, explain the rea-
24 soning for the decision not to proclaim
25 such an increase.”.

1 (b) EXTENSION OF AUTHORITY.—Paragraph (4) of
2 section 3(b) of the Suspending Normal Trade Relations
3 with Russia and Belarus Act (Public Law 117–110; 19
4 U.S.C. 2434 note), as redesignated by subsection (a)(2),
5 is further amended by striking “2024” and inserting
6 “2025”.

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